MALICIOUS INTERFERENCE WITH BUSINESS. — The confusion in the law on this important topic seems to be little helped by the cases of *Rice* v. *Albee*, 164 Mass. 88, and *Lyons* v. *Wilkins*, 12 *The Times* L. R. 222, 278. The declaration in the former case alleged that the defendant maliciously persuaded a person who was about to buy half of the plaintiff's business, and become his partner, to withdraw from the bargain, to the plaintiff's great loss. The court sustained a demurrer to this declaration, on the ground that the words used by the defendant were not properly set out, nor alleged to be false. The action was treated as being in slander; and the cases on malicious interference with business were shortly declared to be inapplicable, but for what reasons does not fully appear. It is not necessary for this latter form of action that the words used should be alleged to be false. In the case of *Morasse* v. *Brochu*, 151 Mass. 567, which appears to be similar, the defendant was held liable, though it was not shown that he had said anything untrue. The acts of the defendant Albee were not, to be sure, so fully set out in their malicious character as they should have been; but the declaration was better in this respect than that in *Walker* v. *Cronin*, 107 Mass. 555. The court's principal ground for refusing to consider the cases on malicious interference seems to have been that no existing business, existing contracts, nor actual relation of employer to employed, were here alleged to have been disturbed. Now although it may be difficult to prove damage to the plaintiff caused by defendant's acts, except in such cases, yet there does not seem to be any theoretical objection to allowing recovery for loss such as is alleged in this declaration. The loss of expected contracts, it is becoming more and more generally recognized, is as much a damage as the breach of existing ones, if it can be proved. Existing business can hardly be regarded as property, and therefore especially to be protected; though the good will of a business may have been recognized as such. Nor can the relation of master to servant be said nowadays to constitute a status in which there is something peculiarly sacred; though such a feeling undoubtedly had weight in the earliest cases on this subject. It is hard to find good ground for distinguishing this case on these points. Though it is not suggested in the opinion, may not the real reason why the court decides for this defendant, and against the defendants in *Walker* v. *Cronin* and *Morasse* v. *Brochu*, lie in the fact that here the defendant is a single private citizen, while there they were respectively an official controlling a powerful labor organization, and a Catholic priest speaking authoritatively to his congregation?

Where trades unions are concerned, at any rate, the recent case of *Lyons* v. *Wilkins*, *supra*, shows that the English courts will unhesitatingly follow *Temberton* v. *Russell*, [1893] 1 Q. B. 715, and *Flood* v. *Jackson*, [1895] 2 Q. B. 21. The case being a clear one, the court immediately issued an injunction, upon an interlocutory motion, against the boycotting strikers. The question when an injunction will be granted is practically quite as important in this class of cases as that of damages; little difficulty, however, is found in granting it, beyond the great primary difficulty of determining whether the defendant's acts are in any way tortious. (On this entire subject, which has been frequently noticed in these pages, see particularly Mr. Justice Holmes's article, 8 HARVARD LAW REVIEW, 52; and as to injunctions, 8 HARVARD LAW REVIEW, 227.)